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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**In re:**

**PG&E CORPORATION**

**-and-**

**PACIFIC GAS AND ELECTRIC  
COMPANY,**

**Debtors**

- ☐ Affects PG& E Corporation
- ☐ Affects Pacific Gas and Electric Company
- ☒ Affects both Debtors

*\*All papers shall be filed in the Lead Case,  
No. 19-30088 (DM)*

Case No. 19-30088 (DM)

Chapter 11

(Lead Case)

(Jointly Administered)

**MOTION OF THE OFFICIAL  
COMMITTEE OF TORT CLAIMANTS  
FOR ENTRY OF AN ORDER  
AUTHORIZING THE FILING OF  
REDACTED DOCUMENTS ATTACHED  
TO A REPLY IN SUPPORT OF MOTION  
OF THE OFFICIAL COMMITTEE OF  
TORT CLAIMANTS TO COMPEL  
PRODUCTION OF THIRD-PARTY  
CONTRACTOR DOCUMENTS**

Date: August 27, 2019  
Time: 9:30 a.m. (Pacific Time)  
Place: United States Bankruptcy Court  
Courtroom 17, 16<sup>th</sup> Floor  
San Francisco, CA 94102

1 The Official Committee of Tort Claimants (the “TCC”), by and through its undersigned  
2 counsel, hereby submits this motion (“**Redaction Motion**”) pursuant to sections 105(a) and 107(b)  
3 of title 11 of the United States Code (the “**Bankruptcy Code**”), Rule 9018 of the Federal Rules of  
4 Bankruptcy Procedure (the “**Bankruptcy Rules**”), Rule 1001-2(a) of the Bankruptcy Local Rules  
5 for the United States District Court for the Northern District of California (the “**Bankruptcy Local**  
6 **Rules**”) and the *New District Wide Procedures for Electronically Filing Sealed and Redacted*  
7 *Documents adopted by the United States Bankruptcy Court for the Northern District of California*  
8 (the “**Local Procedures**”) for entry of an order authorizing the TCC to file redacted documents  
9 attached to its Reply in Support of the TCC’s Motion to Compel (the “**Reply**”) and all  
10 accompanying exhibits.

11 In support of this Redaction Motion, the TCC submits the Declaration of Kody D. L. Kleber  
12 filed contemporaneously herewith. A proposed form of order granting the relief requested herein is  
13 annexed as **Exhibit A**.

## 14 MEMORANDUM AND POINTS OF AUTHORITIES

### 15 **I. JURISDICTION**

16 The Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue  
17 is proper under 28 U.S.C. §§ 1408 and 1409. This Redaction Motion is a core proceeding under 28  
18 U.S.C. § 157(b)(2).

### 19 **II. BACKGROUND**

20 On July 25, 2019, the TCC filed a Motion to Compel Production of Third-Party Contractor  
21 Documents [Docket No. 3205] (the “**Motion**”). On August 13, 2019, PG&E Corporation and  
22 Pacific Gas & Electric Company (collectively, the “**Debtors**”) filed objections to the Motion  
23 [Docket No. 3535] (“**Objections**”). The TCC prepared a Reply to the Debtors’ objections. The  
24 Reply contains several citations to documents designated as confidential under the Confidentiality  
25 and Protective Order [Docket No. 2807-1] (the “**Protective Order**”). The confidentially-  
26 designated documents are attached to the Reply. The Protective Order states that without written  
27 permission, a party may not file in the public record any protected material. *See* Protective Order  
28 at Section 7.5. Because the TCC had not received permission to publicly file the motion and

1 accompanying documents at the time of the filing deadline, the TCC filed the Reply and  
2 accompanying documents under seal on August 20, 2019 [Docket Nos. 3626–3630]. The TCC has  
3 since been granted permission from the Debtors to publicly file the Reply, provided the TCC redact  
4 the pricing information contained within confidentially-designated attached documents.

### 5 **III. BASIS FOR RELIEF REQUESTED**

6 Section 105(a) of the Bankruptcy Code allows a court to “issue any order . . . that is  
7 necessary or appropriate to carry out the provisions of the title.” 11 U.S.C. § 105(a). Section 107(b)  
8 further provides that a court may “protect any entity with respect to a trade secret or confidential  
9 research, development, or commercial information.” 11 U.S.C. § 107(b). To seek protection under  
10 107(b), a party only needs to show “that the information it [seeks] to seal [is] ‘confidential’ and  
11 ‘commercial’ in nature.” *Video Software Dealers Ass’n v. Orion Pictures Corp.*, 21 F.3d 24, 27 (2d  
12 Cir. 1994).

13 The Bankruptcy Rules similarly authorize the Court to “make any order which justice  
14 requires (1) to protect the estate or any entity in respect of a trade secret or other confidential  
15 research, development, or commercial information.” Bankruptcy Rule 9018.

16 Finally, Local Procedures require that a request to redact portions of a document be  
17 narrowly tailored to sealable materials. *New District Wide Procedures for Electronically Filing*  
18 *Sealed and Redacted Documents*.

19 In order to adequately reply to Debtors’ Objection to the TCC’s Motion, the TCC’s Reply  
20 identifies specific deficiencies and makes references to text found in particular documents produced  
21 by the Debtors. The Debtors marked these documents as “Contractor Confidential.” Because the  
22 documents contain confidential information, according to the Debtors, the documents fall within  
23 the scope of section 107(b), and this Court should grant the TCC’s request.

### 24 **IV. NOTICE**

25 Notice of this motion is being provided in accordance with the Second Amended Order  
26 Implementing Certain Notice and Case Management Procedures, entered on May 14, 2019 [Docket  
27 No. 1996].  
28

1           **WHEREFORE**, the TCC respectfully requests that the Court grant the Redaction Motion  
2 and allow the TCC to file the redacted documents attached to the Reply.

3  
4 Dated: August 26, 2019

5  
6 BAKER & HOSTETLER LLP

7  
8 By: /s/ Kody D.L. Kleber  
9 Kody D. L. Kleber  
Admitted Pro Hac Vice

10 Attorneys for The Official Committee of Tort  
11 Claimant